

6/2/75

**CU 886A**

R

**URGENT**

**PRESS RELEASE**

**INTERNATIONAL COMMISSION OF JURISTS**

COMMISSION INTERNATIONALE DE JURISTES - COMISION INTERNACIONAL DE JURISTAS  
INTERNATIONALE JURISTEN-KOMMISSION

109, ROUTE DE CHÊNE, 1224 CHÊNE-BOUGERIES / GENEVA, SWITZERLAND - TEL. 35.19.73  
CABLE ADDRESS: INTERJURISTS, GENEVA

**EMBARGO**

**IMMEDIATE**

Embargo is to facilitate  
your work and our work.  
Please help us to keep it.

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, AVPS/IPS

Margaret P. Grafeld, Director

☒ Release ☐ Excise ☐ Deny

Exemption(s):

Declassify: ☐ In Part ☐ In Full  
☐ Classify as ☐ Extend as ☐ Downgrade to  
Date ☐ Declassify on ☐ Reason

Geneva, 2 June 1975

**DEFENCE LAWYERS UNABLE TO PRACTICE IN ARGENTINA**

The International Commission of Jurists publishes today the attached report by Dr Heleno Claudio Fragoso of Brazil on his enquiry into the situation of defence lawyers in Argentina. Dr Fragoso is Vice-President of the Brazilian Bar Association and one of the most distinguished criminal law advocates in Brazil. He is Professor of penal law at the Federal University Law School and at Candido Mendes Law School in Rio de Janeiro, as well as being a Member of the International Commission of Jurists. Dr Fragoso and the International Commission of Jurists are very grateful to the Argentine authorities (Ministry of Foreign Affairs and Ministry of Justice) for the very full cooperation and assistance they gave to Dr Fragoso in carrying out his enquiry.

The report reveals a most disturbing situation in which defence lawyers are unable to carry on their practice in political cases.

As Dr Fragoso's report makes clear, the difficulties confronting defence lawyers have arisen in a situation where violent left wing revolutionary groups have, since 1970, been committing frequent political murders, kidnappings and other forms of subversive action, and where right wing para-police groups, in particular the AAA (Argentine Anti-Communist Alliance) have been carrying out systematic illegal action against left wing militants. It appears to be the latter organisations which have been responsible for the violence directed against defence lawyers. Dr Fragoso lists a number of incidents which, while not amounting to proof, point to a connection between these groups and the police or government (para 16).

On November 6, 1974, the Argentine government proclaimed a State of Siege which gave the Executive power to order indefinite detention without trial.

Dr Fragoso lists 32 lawyers held in preventive detention under the state of siege at the time of his enquiry in March (para 3). This list is incomplete but includes the majority of those who had been practising in political cases.

The report gives details of six defence lawyers who have been murdered since November 1973, and another 26 defence lawyers who have been threatened with murder

S.3181a

80F178

.../2

21/185

by the right wing terrorist organisation AAA (Argentine Anti-Communist Alliance) (paras 4 and 8). Eight others have left the country as a result of such threats (para 7). Prior to 1973, there was only one case on record of the assassination of a defence lawyer, the well-known case of Nestor Martins in December 1970. Sixteen lawyers are named whose offices or homes have been broken into and in some cases bombed (paras 5 and 6).

Threats have also been made against judges who are considered to have acted leniently in cases of subversion, and in one case an attempt was made on the life of a judge who had sentenced 13 policemen for illegal killings (paras 19 and 20).

The result of these events has been that advocates are refusing to defend political prisoners, on the grounds that they are not being adequately protected. At Bahia Blanca the Bar Association decided to designate defence counsel in political cases by drawing lots. Those whose names were drawn had their homes bombed, and were subsequently arrested. The headquarters of the Bahia Blanca Bar Association was also bombed.

The Minister of Justice defended the arrest of defence lawyers under the state of siege to Dr Fragoso on the grounds that they were militant activists in politics. In many cases this is true but, as Dr Fragoso points out, it does not appear that any of them had engaged in illegal political activities. The Minister also alleged that the lawyers were being paid fabulous sums by the guerrilla organisations. He stated that the government had no knowledge of activities of para-police groups, and did not know who was responsible for the deaths, attacks and threats against defence lawyers (para 10).

Dr Fragoso's report also gives information about other arrests under the state of siege (para 22), conditions of detention (para 23), cases of torture of political prisoners (para 24) and restrictions in freedom of the press (para 25).

The International Commission of Jurists agreed at the outset to give the Argentine government an opportunity to comment upon Dr Fragoso's report before it was published. For this purpose the report was submitted to the Argentine Ambassador in Geneva on April 9. After over seven weeks the Argentine government state that they are not yet in a position to furnish detailed comments upon the allegations in the report, saying that as Argentina is a federal state, reports have to be obtained from the provincial governments concerned. In general, the government repeat the comments made by the Minister of Justice to Dr Fragoso, and state that some at least of the lawyers who have been arrested are believed to have abused their position as defence lawyers by acting as a channel of communication between their clients in custody and illegal subversive movements. It should be understood that the publication of the report and this press release in no way prejudices the attitude of the Argentine government with respect to their contents.